

# CODE OF FEDERAL REGULATIONS

## TITLE 36, CHAPTER 1

***COMPENDIUM of Designations, Closures, Request  
Requirements and Other Restrictions imposed under  
the discretionary authority of the Superintendent.***

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Parts 1 through 7, authorized by Title 16, United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, government and public use of the portions of the Big South Fork National River and Recreation Area under the jurisdiction of the National Park Service.

Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1.

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Superintendent

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Date

## SECTION 1.5 CLOSURES AND PUBLIC USE LIMITS

(a) (1) -- Shooting, hunting and loaded weapons are not allowed within designated safety zones, as follows: the Bandy Creek Campground; East Rim Complex; Charit Creek Lodge; Blue Heron Complex; Leatherwood Ford; Station Camp River Access; Burnt Mill Bridge; Brewster Bridge; Peters Bridge River Access; Alum Ford Access; Yahoo Falls Picnic Area; Yamacraw Access; Worley Access; Station Camp and Bear Creek Horse Camps; Oscar Blevins Farm; and Zenith.

(a) (1) -- The park is open all day, year round. The hours of operation for Visitor Center areas are as follows:

	<u>Bandy Creek</u>
November - April	8:00 a.m. - 4:30 p.m.
May - October	8:00 a.m. - 6:00 p.m.
Closed Christmas Day	

	<u>KY Visitor Center</u>
December - March	weekends only
April - November	daily
Closed Christmas Day	

Blue Heron  
Area does not close and exhibits are self-guiding.  
Staff usually present 9:00 a.m.-5:30 p.m. daily, April-November, to assist visitors.

(a) (1) -- During emergency situations such as ice, snow, vehicular accidents, etc., park roads may be temporarily closed.

-- The gorge area, as described in the enabling legislation, is closed to motor vehicle travel on all roads and trails owned by the Government except for those roads specified as access corridors in the enabling legislation, or as determined necessary for administrative/emergency purposes.

-- Motor vehicle travel is permitted on all existing adjacent area roads provided all state and federal motor vehicles laws are obeyed, unless otherwise signed. No vegetation shall be removed to open roads up that have naturally closed.

-- The entire Big South Fork NRRA is closed to harvesting of any species of freshwater mussels.

(a) (1) -- Motorboats (any vessel equipped with propulsion machinery) are not permitted on the park's river system with the exception of the river section in Kentucky from the northern boundary to a point 1/10 of a mile downstream from Devils Jump. This restriction does not apply to search and rescue vessels or other administrative use.

-- Climbing and rappelling are prohibited in the following areas. This includes either technical rock climbing and rappelling, or other similar type activities.

### ALL ARCHES

Chimney Rock in No Business  
Chimney Rocks at Station Camp  
Devils Cave

Yahoo Falls  
 All nondeveloped overlooks (100' either side of center)  
 All developed overlooks (100' either side of guardrails)  
 Maudes Crack  
 Fragile natural geological features as posted  
 Waterfalls (intermittent or not) (100' either side of center)

O&W Overlook is excluded from this list of prohibited areas.

- (a) (2) -- The construction of permanently affixed tree stands and access steps to tree stands is prohibited. Portable or temporary tree stands that do not damage trees may be used.
- All hunters, including those hunting small game, and those accompanying hunters during any big game firearm or muzzleloader season (except turkey) shall wear a minimum of 500 square inches of blaze (hunter) orange on their head and upper body during daylight hours.
- The searching of government owned refuse containers and the removal of recyclable materials from these containers by persons other than an official collection contractor or authorized NPS staff is prohibited.
- Drivers are prohibited from idling their engines of commercial passenger-carrying motor vehicles in parking lots.
- Motorized vehicles not designed for on highway use (i.e.' ATV's, golf carts, etc) are prohibited on public roads including campground roads within the Big South Fork NRRRA. This restriction does not apply to those vehicles designed for and used by persons with a disability (motorized wheel chairs) or vehicles used for administrative purposes.
- (c) -- No new climbing routes which utilize bolts or any other fixed protection will be established within the BISO authorized boundary until a Climbing Management Plan is written and approved.

## **SECTION 1.6 PERMITS**

- (c) -- The following permits are required by 36 CFR. Permits referenced by section.
 

Cave Exploration Permit	2.1
Weapons Permit	2.4(d)
Specimen Collection Permit	2.5(a)
Campground Permit (developed campground fee receipt)	2.10(a)
Backcountry Overnight Permit	2.10(a)
Fee Waiver Permit	71.13(d)
Power Saw Permit	2.12(a) (2)
Motorized Equipment Permit	2.12(a) (3)
Pet Permit (park residents)	2.15(e)
Aircraft Use Permit	2.17(a) (3)
Explosives Permit	2.38
Special Event Permit	2.50(a)
Public Assembly Permit	2.51(a)
Sale/Distribution of Printed Material	2.52(a)
Agricultural Permit	2.60(b)
Residence on Federal Lands	2.61(a)
Memorialization	2.62(b)
Boating Permit	3.3(1.6)
Vehicle Permit-exceeding designated limits	4.11(a)

Business Operations Permit	5.3
Commercial Photography Permit	5.5
Commercial Vehicle Permit	5.6(c)
Construction Permit	5.7

Permits will be specific in nature to the activity being permitted. In those cases where permit use is frequent, a specific permit form has been designed, i.e., campground fee permit. In most other cases, a special use permit or letter of authorization will be prepared designating the specific conditions under which the permitted activity is authorized. In all cases, a permit or letter of authorization must be in the permittee's possession at all times and shown to any authorized person upon request.

## **SECTION 2.1      PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

- (a) (4) -- Dead wood on the ground may be collected anywhere in the park for use as fuel for campfires within the park.
- (c) (1) -- Reasonable quantities (2 gallons berries or one bushel fruit per day/per family group) of the following may be gathered for personal use or consumption:
 

- Blackberries	- Beech Nuts	- Peaches
- Blueberries	- Acorns	- Cherries
- Strawberries	- Pine Cones	- Grapes
- Muscadines	- Apples	- Polk
- Persimmons	- Plums	- Hazel Nuts
- Pawpaws	- Walnuts	- Hickory Nuts
- Mushrooms		

## **SECTION 2.2      WILDLIFE PROTECTION**

- (b) (2) -- Hog hunting within Big South Fork NRRA is concurrent with the appropriate State season with a special park season running from Jan. 21<sup>st</sup> through last day of February.
- (b) (4) -- The placement of salt licks, mineral blocks, food items and "baiting" to attract wildlife to a specific area is prohibited.
- (d) -- In the backcountry, lawfully taken big game animals may be quartered for ease of transportation so long as species and sex can be determined. A pack animal may also be used to remove lawfully taken big game.
- (e) -- The entire park is closed to viewing of wildlife with an artificial light (including headlights), except when in accordance with state laws which permit such use for specific species. (raccoon, opossum and bullfrog hunting).

## **SECTION 2.3      FISHING**

- (d) (1) -- Tennessee and Kentucky State Fishing Regulations are adopted for management of fisheries within the Big South Fork National River and Recreation Area.

## **SECTION 2.4      WEAPONS, TRAPS, NETS**

- (a) (3) -- Possessing a loaded weapon within any frontcountry or backcountry campsite is prohibited within the park.
- (a) (3) (c) - Possessing a loaded weapon within a Safety Zone is prohibited.

- (b) -- Hunting from or possessing a loaded weapon upon a horse or other animal is prohibited within the park.

#### **SECTION 2.10 CAMPING AND FOOD STORAGE**

- (a) Camping limitations are as follows:

- No person, party, or organization shall be permitted to camp in Big South Fork National River and Recreation Area for more than a total of 30 days in a calendar year. Backcountry permits are valid for a single camping trip not to exceed 14 days at one site.
- Camping is prohibited in areas being restored or revegetated and in areas that are highly impacted and are closed for rehabilitation.
- Camping is prohibited within 100 feet of a cave, rockshelter, trail, within 100 feet of a gravesite, and in all cabins or other historic structures. Camping is prohibited within 100 feet of a stream, excluding traditionally used backcountry camping sites along the O & W Trail, Troublesome Creek, Difficulty Creek and Cole Branch.
- No camping is permitted within 100 feet of the centerline of or visible from any paved road where camping is authorized within the park.
- No camping at developed parking areas. Camping is allowed near developed parking areas when the campsite is at least 100 feet from the parking area and is not visible from the parking area. As of 09-01-00, the following are developed parking areas: Yahoo Falls, Alum Ford, Yamacraw, Blue Heron Overlooks, Blue Heron and access areas along the river, East Rim Overlook, Leatherwood Ford, Station Camp, designated trailheads, Charit Creek, Twin Arches, Burnt Mill Bridge, Bear Creek Overlook, Canoe Access Parking lots, Peters Bridge, Brewster Bridge, Honey Creek Overlook, Confluence Parking. In addition all areas immediately adjacent to the East Bandy Creek Road, from State Hwy 297 West to Scott State Forest, West Bandy Creek Road to Scott State Forest, are closed to camping.
- All areas within Bandy Creek and Blue Heron fee areas are closed to backcountry camping.
- Parking more than two vehicles, trailers inclusive, at a developed campsite is prohibited.
- Parking vehicles off established surfaces in developed areas and campgrounds is prohibited.
- The immediate four (4) feet from the pavement onto the gravel pad is considered part of the designated camping area. No motorized vehicles are permitted on this section.
- Unless otherwise designated, horses and livestock are not permitted (trailered or untrailered) in developed areas and campgrounds.
- Camping fees where applicable are due upon occupying a campsite. Sites for which required fees are not paid will be considered unoccupied and available for use.
- Sites may not be left unattended for more than 24 hours.
- Entry and occupancy of developed campgrounds is limited to **REGISTERED CAMPERS AND VEHICLES ONLY** between 10 p.m. and 6 a.m.
- Occupancy of developed campgrounds is limited to one (1) immediate family

or six (6) persons per campsite, except group sites where the limit is based on established fees.

- Traditional camping along the Big South Fork River flood plain is permitted. All other camping regulations are in effect.
- (a) (7) -- Only one camping unit is permitted to be connected to the power and water supplies at each campsite.
- (a) (9) -- Displaying wildlife carcasses or other remains or parts thereof, is prohibited in designated campgrounds.
- (d) -- The entire Big South Fork National River and Recreation Area is designated for food storage restrictions. Food must be stored as outlined in 36 CFR 2.10(d).

#### **SECTION 2.13 FIRES**

- (a) (1) -- Fires are prohibited in historic structures, cabins and rock shelters.
- (a) (3) -- The burning of tires is prohibited.

#### **SECTION 2.15 PETS**

- (a) (3) -- Leaving a pet unattended and tied to an object is prohibited. Under no circumstances will a pet be left unattended overnight.
- (a) (5) -- In developed areas, pet excrement must be immediately collected by the pet handler or owner, and disposed of in the nearest trash receptacle.
- (b) -- The practices known as trolling and tramping, (allowing dogs to run along beside or ride on the exterior of a vehicle in order to strike sent) of raccoon dogs and related activities are prohibited along the Leatherwood Ford Road, the Bandy Creek East and West Access Roads, the Blue Heron Roads, East Rim Overlook Road, Yahoo Falls, and Alum Ford Roads within the boundaries of the park.
- Hunting dogs must be restrained on a leash not to exceed 6 feet, crated or caged within all designated Safety Zones.

#### **SECTION 2.16 HORSES AND PACK ANIMALS**

- (a) -- Designated pack animals are donkeys, horses, mules, and llamas.
- (g) -- Horse back riding is not permitted on the park's paved roads, foot trails, designated picnic areas, developed areas and campgrounds, or in the fields and areas immediately adjacent to the Bandy Creek Visitor Center. Horses are not permitted on any gravel road designated by the respective county as a road unless traveling from trailhead to trailhead or where no other designated horse trail exists.
- At trailheads, parking facilities, and overnight backcountry campsites, manure deposited **MUST** be placed in a trailering unit or scattered in the woods at least 100 feet from the trailhead, parking areas, or campsite and any existing water source.
- Horses and pack animals are prohibited from being tied to trees, shrubs or other vegetation in such a manner as to allow damage to the vegetation. Tying to historic structures is prohibited.
- Horse camps and areas where horses are tied temporarily must be located at least 100 feet from a water source.

#### **SECTION 2.20 SKATES**

- Skating, skateboards, rollerblades, etc., are permitted only in the old Bandy Creek Campground "F" loop area and bathroom parking lot.

#### **SECTION 2.21 SMOKING**

- (a) -- Smoking in government buildings is prohibited.

#### **SECTION 2.22 PROPERTY**

- (a) (2) -- Visitors involved in extended hikes and river trips may leave their vehicles unattended for longer than 24 hours.

#### **SECTION 2.35 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

- (a) (3) (i) (A)
  - The possession or consumption of an alcoholic beverage and/or the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open or that has been opened, or whose seal is broken or the contents of which has been partially removed is prohibited within all government buildings with the exception of residences, and all public use areas in the Kentucky section of the park.
- (a) (3) (i) (A)
  - The consumption of alcoholic beverages is prohibited while riding on a horse, or while operating or riding in a vehicle drawn by a horse.

#### **SECTION 2.51 PUBLIC ASSEMBLIES, MEETINGS**

- (e) -- A permit is required for a public assembly or meeting in the park. The following areas are established for these activities (a map of these areas is available at Park Headquarters):
  - (1) Tennessee - area known as the Appaloosa fields.
  - (2) Kentucky - area known as the Monroe fields. (RM does not want Monroe fields designated as such, decision needs to be made as to a better location)

#### **SECTION 2.52 SALE & DISTRIBUTION OF PRINTED MATTER**

- (e) -- A permit is required to sell or distribute printed material in the park. The following areas are established for the sale or distribution of printed matter (a map of each designated area is available at Park Headquarters):
  - (1) Tennessee - designated area in front of the Bandy Creek Visitor Center.
  - (2) Kentucky - designated area at Blue Heron.

#### **SECTION 3.21 SWIMMING AND BATHING**

- (a) (1) -- Glass containers are prohibited on the Big South Fork river and major tributaries or within 50' of the river or creek. Glass containers are prohibited within the fenced area at the Bandy Creek Pool.
- (a) (1) -- Swimming is prohibited within 200 feet of the Alum Ford, Blue Heron, Big Creek or Yamacraw boat ramps.

#### **SECTION 4.10 TRAVEL ON PARK ROADS**

- (a) -- All campground roads are designated as roadways for travel by licensed vehicles only. Any vehicle not licensed by a State is prohibited.
- (b) -- ATV's are not permitted on any park road that is paved or designated a public road by any governmental unit.
  - Rail buggies and other off road vehicles must be equipped with a U.S. Forest Service approved spark arrester and functioning muffler. Straight pipes are prohibited.
  - Tracked vehicles are prohibited with the park.
  - Helmets are required for ATV riders under 16 years of age.

#### **SECTION 4.21 SPEED LIMITS**

- (b) -- The maximum speed limits on all paved, public roads in the Recreation Area are as posted. The maximum speed limit on secondary roads is 25 miles per hour unless otherwise posted. Conditions will necessitate lower limits on certain roads. Driver discretion is required. Secondary roads include all gravel and logging roads within the park boundaries.

#### **SECTION 4.30 BICYCLES**

- (d) -- Bicycles are permitted on horse trails. They are not permitted on designated foot or hiking trails, unless specifically authorized.
- Bicycles must yield right of way to horses on all trails designated for both horses and bicycles.



# CODE OF FEDERAL REGULATIONS

## TITLE 36, CHAPTER I

*Written determination for justifying actions listed in the  
COMPENDIUM of Designations, Closures, Request  
Requirements and Other Restrictions.*

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations, Chapter 1, Section 1.5(c), the following justifications are provided to identify the reasoning behind the use of the Superintendent's discretionary authority in setting forth the various closures, designations, etc., as listed in the Compendium required in Section 1.7(b).

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Superintendent

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Date

## **SECTION 1.5 CLOSURES AND PUBLIC USE LIMITS**

- (a) (1) -- Safety zones have been established in order to protect park users in the listed areas. Safety zones are established around high visitor concentration points, where hunting is incompatible with other visitor uses.
- (a) (1) -- Many of the Big South Fork NRRRA mussels are on either the national or state threatened or endangered species list. In addition, many of the mussels are difficult to tell apart. Therefore, to protect the many endangered species, all mussels have been included in this closure.
- (a) (1) -- The park area is open 24 hours a day, year round for a variety of visitor uses. The hours the Visitor Centers are open are to accommodate periods of peak visitation, yet conserve personnel costs.
- (a) (1) -- The primary purpose of implementing temporary road closures is to protect and preserve human life and property.
- (a) (1) -- The enabling legislation for the Big South Fork National River and Recreation Area, Public Law 93-251, Section 108, states that no motorized transportation shall be allowed in the gorge area except on designated access routes which are specifically identified in the enabling legislation and amendment. The delineation of the gorge area and is also addressed in the enabling legislation. The adjacent area is defined as all lands within the area boundary that is not within the gorge.
- (a) (1) -- Since the majority of ridge tops included in the adjacent area have existing logging roads and the enabling legislation provided for more active recreational pursuits and major developments in the adjacent area, existing roads on the adjacent area are open to motor vehicle traffic. It is, therefore, necessary those vehicles operating on designated roads be properly registered, licensed, and that operators must possess valid state driver's licenses. To waive this requirement could result in government liability allowing unsafe vehicles and untrained operators use of designated roads.
- (a) (1) -- Consistent with the amendment to the Big South Fork's enabling legislation, motorboat access will be permitted into the gorge area up to a point 1/10 of a mile downstream from Devils Jump. Search and rescue boats are allowed to maximize the chance of saving lives.
- (a) (1) -- Big South Fork National River and Recreation Area was established to both preserve and protect the natural and cultural resources as well as, to provide a recreation area for the American public. Climbing activities began to impact some of the delicate rock formations in the park. For this reason, the park is taking action to designate areas that are restricted from climbing activities. This includes either technical rock climbing and rappelling or other similar type activities. Climbing and rappelling are allowed in all other areas except as noted.

Due to the popularity and impacts already associated with climbing and rappelling at the O & W Overlook, it is excluded from this restriction.
- (a) (2) -- In order to protect trees from permanent damage, only portable tree stands are permitted.
- (a) (2) -- For the safety of all hunters the wearing of blaze orange is required. Due to small game hunters being in the woods at the same time as big game hunters this regulation has been established to protect all hunters in the woods.

- (a) (2) -- Prohibits visitors and employees from collecting recyclable materials from trash receptacles. These receptacles often contain broken glass and other sharp objects. This provision eliminates the possibility of this type of injury. Additionally, health risks are eliminated.
- (a) (2) -- Protects surrounding vegetation from vehicle emissions. Eliminates excessive noise caused by the engine.
- (a) (2) -- Eliminates golf carts, ATV's, mopeds and other motorized vehicles which are not designed for use on public roads.
- (c) -- Protects delicate rock formations from unnecessary drilling and hardware installation until designated routes and techniques are approved.

#### **SECTION 1.6 PERMITS**

- (c) -- These permits are those required by 36 CFR, Parts 1-6.

#### **SECTION 2.1 PRESERVATION OF NATURAL, CULTURAL AND ARCHEOLOGICAL RESOURCES**

- (a) (4) -- There presently is a significant build-up of heavy ground fuels that could be used as fuel for campfires without significantly affecting the resources.
- (c) (1) -- These natural fruits are very plentiful in the park, even though they have historically been picked by residents and eaten by animals. In the event that monitoring shows the picking of the fruits is adversely affecting the ecosystem, this relaxation of 2.1(c)(1) which prohibits collection, will be modified or terminated.

#### **SECTION 2.2 WILDLIFE PROTECTION**

- (b) (2) -- This extended season will provide additional hunting opportunities. It also aids adjacent landowners whose crops are being impacted by feral hogs and it will assist in the eradication of an exotic species.
- (b) (4) -- The scattering of corn and other grain or plant material containing seeds is prohibited because many of these plants are not native to the park area. The seeds sprout and begin to grow and an exotic plant problem develops. Artificial salt and mineral licks are not considered part of the natural diet of most wild animals.
- (e) -- Prohibiting the viewing of wildlife with an artificial light and the added protection it affords against poaching is consistent with applicable Kentucky and Tennessee hunting regulations. Therefore, the entire park will be closed to viewing of wildlife with an artificial light.
- (d) -- This activity is allowed as a benefit to the hunter to ease the difficulty of removing game from deep river gorge areas where vehicles are prohibited.

#### **SECTION 2.3 FISHING**

- (d) (1) -- The States of Kentucky and Tennessee allow minnows and other legal bait fish or amphibians to be used for bait. Since the authorized boundaries of the park include only 14% of the total drainage area, native and exotic species are free to migrate both upstream and downstream. It is felt that the native resources will not be endangered and that relaxation of this restriction would place park management practices in line with state laws.

- It is felt that allowing this type of non-commercial fishing in accordance with state law will not adversely affect BISO fisheries.

#### **SECTION 2.4 WEAPONS, TRAPS, NETS**

- (a) (3) -- The CFR prohibits the possession of a loaded weapon in a temporary lodging such as a tent or camper. This does not affect legitimate hunting activities and would increase the safety of the camp occupants and those occupants of nearby camps.
- (b) -- Hunting from horseback is an issue that frequently arises. This activity is unlawful in Kentucky. The Federal Register indicates that a permit is required to carry a weapon on horseback. Few horses are trained to shoot from and are basically an unstable shooting platform. Allowing hunting from horseback poses an unnecessary safety concern to the rider, other visitors and the horse.

#### **SECTION 2.10 CAMPING AND FOOD STORAGE**

- (a) -- To eliminate the monopolization of public resources and to limit specific site impact, a maximum camping limit is established. The addition of backcountry campsite limitations is for the same reasons.
- Protects these impacted areas from excessive human intrusion until rehabilitation can be completed.
- Camping in caves or rockshelters may adversely impact these archeological sites. Camping on trails, in cemeteries or at gravesites, in cabins or in historic structures, would take away from a visitor's enjoyment of the park. It would degrade the sacred significance of where someone has been laid to rest.
- There are no pull-off areas designed for parking vehicles and camping along paved roads. A campground is available.
- Camping adjacent to cleared portions of developed parking areas is prohibited due to limited available space. Often access points are full of camper vehicles creating a conflict for day users.
- Limiting backcountry camping in Bandy Creek and Blue Heron fee areas ensures the privacy of campers who have reserved frontcountry sites and avoids fee collection conflicts.
- Sites are designed for a trailer and tow vehicle. Any additional vehicles would be parked on turf areas or tent pads causing damage. This will also eliminate any violation of the fee structure which is based on one party to a site. With the addition of the left-hand opening trailers management made a decision in 2002 to allow the first 4 feet of the gravel pad to be used by trailers. Motorized vehicles were prohibited due to the possibility of leaking fluids that would cause damage to the area.
- Parking off paved parking surface will cause damage to turf and vegetation. Parking along the road creates a safety problem.
- This is to eliminate parking of horse trailers containing livestock at the campsites. It is based on public sanitation and health concerns in a public camping area. Additionally, there is a stable available for stock.

- Necessitates the payment of fees within a reasonable amount of time upon selecting a campsite.
- Some campsites are more popular because of their location or proximity to facilities. This provision eliminates someone from registering for a choice site in the middle of the week, then not occupying the site until the weekend.
- Establishes reasonable hours for friends to visit campers at a site and leave the area early enough so that neighboring campers are not bothered by excessive noise.
- Established a reasonable limit of people at each campsite. More than this number would require additional tent or camping space resulting in heavier impact to the existing campsite.
- Due to periodic flooding along the Big South Fork River, these traditional camping areas are rehabilitated and not as subjected to overuse impacts.
- (a) (7) -- If more than one camping unit connects to the water or electric supply the potential for damage to the campground utilities is much higher. The electric supply currently is marginal and additional strain causes power problems.
- (a) (9) -- Displaying wildlife carcasses or other remains or parts is potentially unsettling to other campers as well as creating unsanitary conditions (flies, etc) that may affect other campers. Therefore displaying animal carcasses will be prohibited in designated campgrounds.
- (a) (10) -- With the increased use of the park and the higher incidents of animal and people confrontations, the park will begin to enact food storage regulations. This will help to reduce the conflicts between humans and animals.

### **SECTION 2.13 FIRES**

- (a) (1) -- Protects these irreplaceable cultural resources from carelessness with fires.
- (a) (3) -- Burning tires poses a serious environmental health hazard.

### **SECTION 2.15 PETS**

- (a) (3) -- Provides for the humane treatment of pets and reduces the noise nuisance often caused by an unattended barking dog.
- (a) (5) -- Enhances the areas around public facilities and parking areas and makes pet owners responsible for the actions of their pets.
- (b) -- The roads listed are the main paved roads in the park. The traffic volume carried by these roads would make it hazardous to drive very slowly at night along these roads while dogs are hunting adjacent to the road area. There would be both danger of a vehicle accident and possibility of a hunting dog being hit. Campground users would be disturbed by the baying, horn use, and other noises associated with this activity. The terms "trolling" and "tramping" are used in this Compendium to mean allowing dogs to run at large while their owners follow in a vehicle until the dogs discover the scent of a game animal (fox, raccoon, opossum).

- Restraining hunting dogs in areas where hunting is prohibited prevents the disturbance of wildlife, endangerment of persons, and places them in compliance with 36 CFR 2.15 (a) (2).

#### **SECTION 2.16 HORSES AND PACK ANIMALS**

- (a) -- Designation of these animals as pack animals allows for extended stays in the park. Llamas are traditionally used as pack animals and are becoming increasingly more popular. No adverse impacts could be seen by use of llamas.
- (g) -- Horseback riding in the prohibited areas noted, would present a safety hazard to pedestrians and vehicles, a sanitation problem, and could negatively impact a resource not designed for horse use.
  - Enhances the appearance and smell in and around the parking area and makes horse owners and handlers responsible for their animals.
  - Protects trees and other vegetation from girdling or destruction by horses.
  - Sanitation and environmental health.

#### **SECTION 2.20 SKATING**

- This location is in the Bandy Creek area and has minimal traffic. This would allow for the safe use of skates, etc.

#### **SECTION 2.21 SMOKING**

- (a) -- By federal policy, smoking is prohibited in all federal buildings.

#### **SECTION 2.22 PROPERTY**

- (2) -- Extended use of the park by hikers, canoeists, hunters, and fishermen is increasing annually. The relaxation of this particular restriction would allow them to enjoy their experience without penalty.

#### **SECTION 2.35 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES**

- (a) (3) (i) (A)
  - Prohibits the consumption of alcoholic beverages in government buildings (except residences) by visitors or employees. Kentucky State law prohibits the consumption of alcohol in public areas. To allow alcohol consumption in these areas would be in conflict with State law.
- (a) (3) (i) (A)
  - Rider judgement is impaired by alcohol consumption.

#### **SECTION 2.51 PUBLIC ASSEMBLIES, MEETINGS**

- (e) -- In accordance with 36 CFR, areas have been established for public assemblies and meetings and maps designating these areas have been prepared and are available to interested parties.

#### **SECTION 2.52 SALE AND DISTRIBUTION OF PRINTED MATTER**

- (e) -- In accordance with 36 CFR, areas have been established for the sale and distribution of printed material. Maps designating these areas have been prepared and are available to interested parties.

#### **SECTION 3.21 SWIMMING AND BATHING**

- (a)(1) -- Primary purpose of prohibiting glass containers on or near the river is visitor safety. Glass containers around the Bandy Creek pool area is also a visitor safety issue.
- Keeps swimmers away from an area where motorboat traffic is often heavy or hazardous swimming conditions exist.

#### **SECTION 4.10 TRAVEL ON PARK ROADS**

- (a) -- Vehicles must be licensed in compliance with TN Law 55-3-101 and 55-8-185 and KY Law 189.515. Motorized vehicles not designed for on highway uses (golf carts, ATV's, etc) are prohibited on public roads including campground roads within the Big South Fork NRRRA. This restriction does not apply to those vehicles designed for and used by persons with a disability (permit required in possession) or vehicle used for administrative purposes.
- (b) -- All terrain vehicles (ATV's) are not permitted on park roads or county roads per TN Law 55-8-185 and KY Law 189.515.
- Requiring spark arresters and mufflers on rail buggies and other off road vehicles lessens noise pollution and the possibility of wildfires.
- BISO trails are not designed for tracked vehicles. With increasing use of tracked vehicles in the surrounding area, Clarification of 36 CFR 4.10 (c) (1) is necessary for resource protection.
- Requiring helmets for ATV riders under 16 years of age is designed to provide a higher level of protection for less experienced /unlicensed riders.

#### **SECTION 4.21 SPEED LIMITS**

- (b) -- Road conditions on secondary roads such as narrow width, rough surface, steep grades and limited visibility dictate that a maximum 25 miles per hour speed limit be set for safety purposes.

#### **SECTION 4.30 BICYCLES**

- (d) -- The use of specially designed bicycles, sometimes referred to as mountain bikes, is growing in popularity.

The Department of Interior considers the bicycle as a mechanical form of transport. As such, 16 U.S.C. 1133(c) prohibits the bicycle from being used in any designated wilderness area within the National Park System. However,

"In recreation areas, the use of bicycles is permitted unless restricted by posted sign or by marking on a map which shall be available at the office of the superintendent or both." 36 CFR 4.3.

Therefore, it has been determined that the use of self-propelled bikes (non-motorized) is an appropriate use within the Big South Fork NRRA. It has further been determined that such use is appropriate only on bike trails, horse trails and park roads. This restriction is intended to keep off-road bicycles off foot trails for reasons of public safety such as trail width, sharp drops, ladder stairs, narrow passages, steep switchbacks, and to prevent the intrusion of a mechanical means of transportation in foot trail areas where users expect a remote, non-mechanized experience.

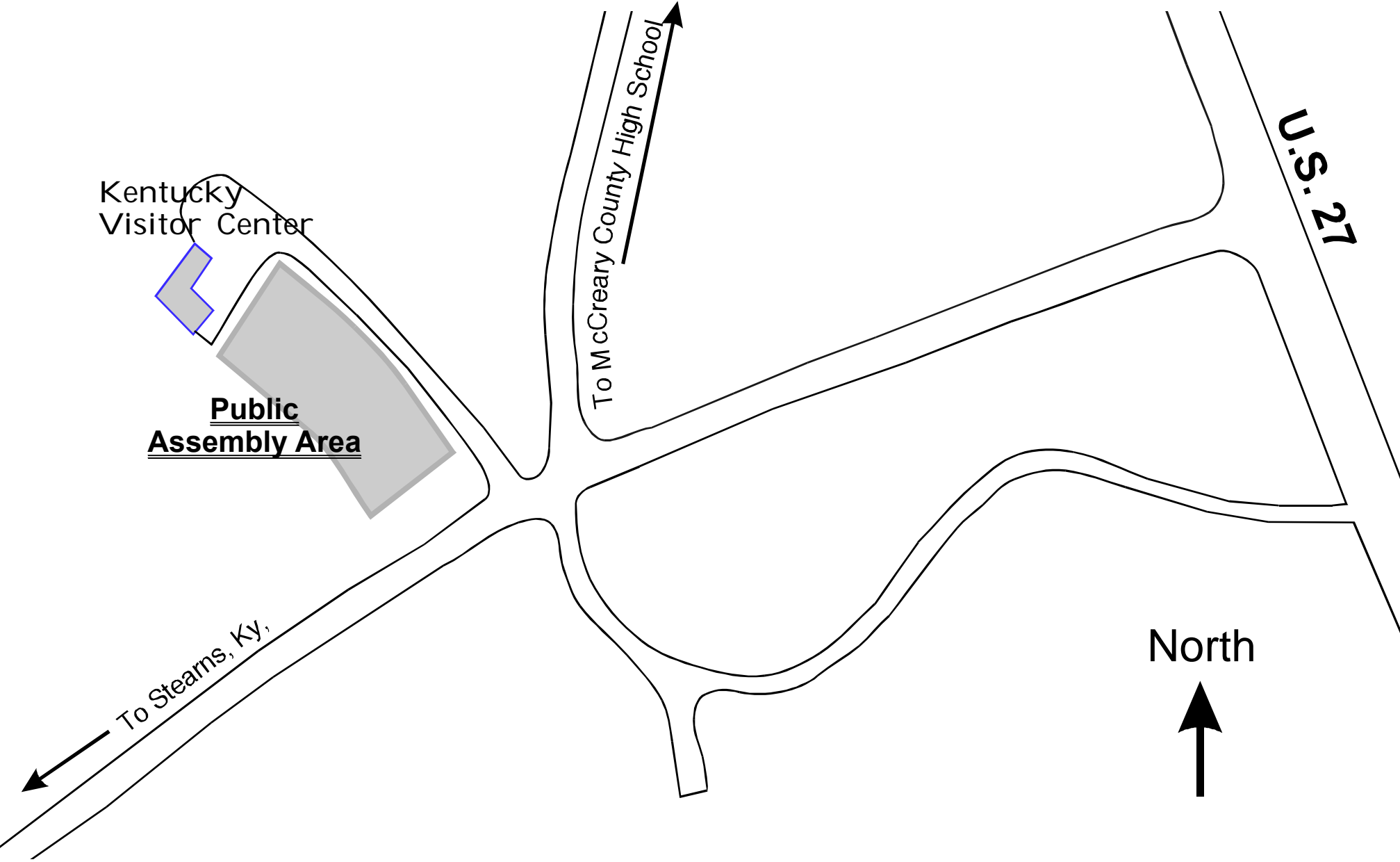
Areas where off-road bicycles are not allowed are shown as foot trails on park maps at the Visitor Center. Trails that are constructed as foot trails between the time of construction and updates of this map, are also closed to bicycle use.

- It is easier and more practical for a bicycle rider to pull to the side of a trail than it is for a rider to dismount and lead a horse off a trail.



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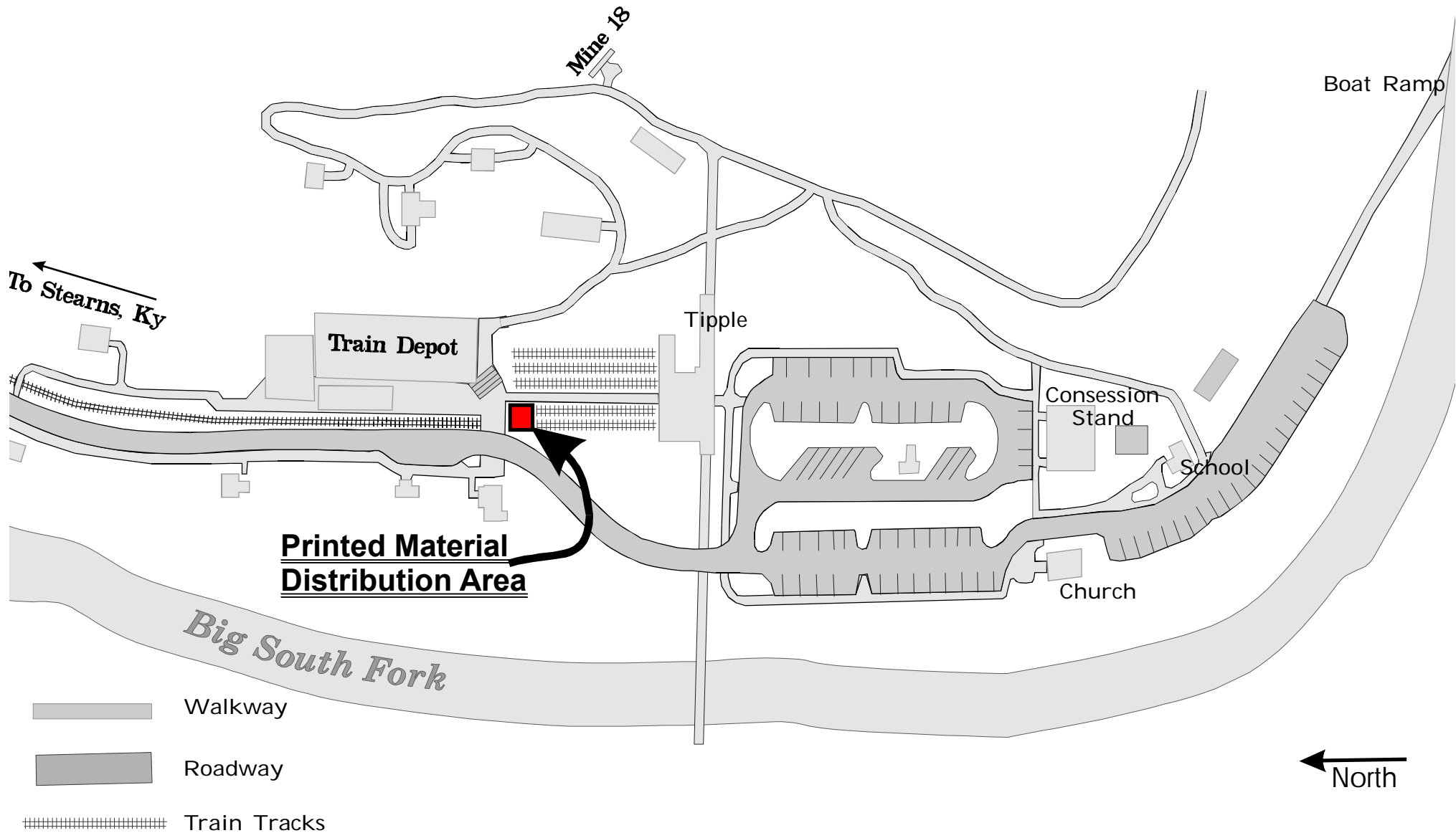
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